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September 3, 1971

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Bezuidenhoutseweg 105
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's-Gravenhage, Holland

RE: Dutch Patent Application 64.09621
Philip Morris Incorporated
Our File: 582-440-Holland
Your Ref.: VEL 64.09621

COPY

Dear Sirs:

This responds to your letter of August 2, 1971, enclosing a copy and a translation of an Official Letter which we understand is due for reply by December 17, 1971.

In Studying the Official Letter, we find that the Examiner does not appear to think that the use of an ion-exchange resin is inventive for the purposes we have described herein. As we understand the Examiner, he appears to be taking the view that we are merely claiming the use of an ion-exchange resin but what he has overlooked is that we are claiming a product utilizing an addition agent-ion exchange resin. In other words we are utilizing what is essentially a resinate or a complex of nicotine or flavor agent and an ion-exchange material in which nicotine or a flavorant is chemically bound to the ion-exchange resin. This is simply not described, shown or suggested in any reference cited by the Examiner.

It will be noted on reading our specification, that we desire to use

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a substance which is inert and stable during manufacture and on storage noting our specification in English translation page 5, line 10 et seq. The inert and stable material is obtained by reacting nicotine or a flavorant with an ion-exchange resin so that a new compound or complex is formed. The nicotine or flavorant is neither absorbed nor adsorbed on the resin, but is chemically a part of the resin. Actually, we could call the product so produced a resinate noting our English specification again on page 18, line 18 et seq.

The Examiner calls our attention to French patent 662.938 which merely teaches the use of an absorbant agent in granular form for denicotinizing or taking out nicotine from tobacco smoke. In our case, when nicotine is involved we do not wish to take it out from tobacco smoke but to add it to the tobacco smoke and this is done by the action of the smoke itself on the nicotine-ion exchange resin which releases or breaks down the complex to release nicotine and adds it to the smoke passing through the filter. Certainly, the active carbon or silica gel which is utilized in the French patent does not chemically release nicotine to the smoke. It does just the opposite. Any nicotine that happens to be in the tobacco smoke as described by this patent is removed by absorption or adsorption into the active carbon or silica gel.

C O P Y

The Examiner again repeats the reference to British patent 695,046 which discloses the use of ion-exchange resins for removing nicotine and pyridine bases or other volatile basic nitrogen compounds from tobacco smoke. In essence, this patent merely teaches the use of an ion-exchange resin for removing nicotine from tobacco smoke by chemically combining the nicotine as it passes through the ion-exchange resin with it. Actually, the end product of this patent is what we start with and we obtain the opposite effect from that described in the British patent. Certainly, there is no teaching in the British patent to use a nicotine-ion exchange resin in the form of a resinate designed to add nicotine to the tobacco smoke, as we have described in our application.

Finally, the Examiner again appears to rely on Dutch patent 27.392, which, as we have indicated in our last letter is also irrelevant to the invention we are claiming here. In this Dutch patent as we have indicated before, they use charcoal or silica gel which absorbs a volatile substance but does not chemically combine with it to form

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an inert resinate or chemical complex. In the case of the Dutch patent, the charcoal or gel containing the volatile oil in absorbed or adsorbed form is placed in a cigar or a cigarette. What actually happens in this case is that as the tobacco smoke passes through this charcoal or silica gel, nicotine is absorbed from the smoke while the volatile oils are released.

The disadvantage of the process and product as suggested in the Dutch patent is that the flavor in the silica gel or activated charcoal is not bound to the gel or charcoal but merely absorbed thereon. This loose absorption or adsorption generally loses flavor when merely standing at room temperature since the material will undoubtedly exude an odor on standing. Thus, the product used in the cigarette or cigar as described by the Dutch patent is neither inert nor stable as in our case. It may also be said that while the Dutch patent describes the use of volatile oils absorbed or adsorbed on charcoal or silica gel it says nothing with regard to chemically combining nicotine with the charcoal or gel for eventual release into the smoke. The patent actually indicates an opposite desire.

C O P Y

In our application, we specifically indicate that the flavoring agents had been chemically combined with our ion-exhange resin. See page 4, last paragraph, starting with line 20, wherein we point out that with our product the flavor agent is not released prior to the time the tobacco product is smoked, whereas the same cannot be said with regard to an absorbed volatile oil. With regard to our product the control is very good and there is only release of flavor agent or nicotine when the smoke passes through the filter and not before or while thepproduct is in storage.

We believe that it might be helpful to present a new set of claims for consideration by the Examiner. These claims read as follows:

1. A filter cigarette having a tobacco section containing tobacco and a filter which contains an ion-exchange resin characterized in that as additive is chemically bound to the ion-exchange resin which gives off the additive to the smoke passed therethrough by breaking away the additive from the ion-exchange resin.

2. A filter cigarette as in claim 1; wherein the additive

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is nicotine that is bound to the ion-exchange resin and is given off in the smoke passed therethrough.

3. A filter as in claim 1; wherein the additive is a flavorant that is bound to the ion-exchange resin and is given off in the smoke passed therethrough.

If you agree that the claims present the invention in a better way, please bring them into proper form acceptable to Dutch practice.

Very truly yours,

Louis H. Baer

LHB:sr

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